



UNITED STATES DEPARTMENT OF COMMERCE
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08/300,492	09/02/94	SHIRAGA	S 35.G1271

26M2/0717
FITZPATRICK CELLA HARPER AND SCINTO
277 PARK AVENUE
NEW YORK NY 10172

EXAMINER

ART UNIT PAPER NUMBER

2609

DATE MAILED: 07/17/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1 - 7 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 - 7 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. 51218828; filed on 4/2/93.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1. The disclosure is objected to because of the following informalities:

- a) p. 11, lines 3-7 (first complete sentence is confusing and ambiguous)
- b) Use of "W" standing alone requires a number preceding it and needs to be defined in the specifications (for example, whether "W" is a variable or an indication of Watts or lumens). See p. 8, lines 6, 17, 26; p. 14, lines 7, 17
- c) The "W" in "3W" needs to be defined on p. 8, line 1; p. 13, line 33
- d) Lines DO-D7 do not appear in Figure 10 to be from output C, but from an output labelled D. As such, p. 9, line 35 is inconsistent with Figure 10.
- e) p. 11, line 22, where the phrase "which is provided next to display unit 1107" is not depicted in Figure 6
- f) Applicant seems to be using binary representation and if so, then (1,1,0) is not binary for 5 and (1,1,1) is not binary for 6. See p. 12, lines 23-25
- g) Use of the word "superimposed" throughout the specifications as compared to the Figures does not conform to the definition in Websters II New Riverside University Dictionary, 1994: "To place on or over something."

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Should applicant desire to use the term "superimposed" to mean something different from this dictionary definition, then the applicant must define such usage in the specifications.

Appropriate correction is required.

2. The specification is replete with grammatical errors too numerous to mention specifically. The specification should be revised carefully. Examples of such errors are:

- a) "is corresponds" on p. 5, line 16
- b) "are correspond" on p.5, lines 21-22
- c) the word "contact" should be pluralized on p. 16, line 19
- d) "cam" on p. 11, line 24
- e) "operation" on p. 11, line 23 (does applicant mean to use the word "operator'?)
- f) p. 14, lines 29-31 ("...the processing is slower the electric...is lower.")
- g) p. 16, lines 21-26
- h) p. 17, lines 15-20
- i) Claim 1 has a period on line 2.

3. The drawings are objected to because it contains foreign language and characters, which should be eliminated. Correction is required.

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4. Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

5. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 1 through 6 are rejected under 35 U.S.C. § 103 as being unpatentable over Nanno et. al. in view of Wycoff et. al. Nanno teaches means (30, 31a, 31b in Figure 1) for

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deriving remaining battery capacity at col. 3., lines 41-47. Additionally, Nanno discloses display means (L1 through L3) for displaying power saving modes of 8Mhz and 10Mhz in relation to remaining battery capacities. See col. 3, lines 67-68 through col. 4 lines 1-23. Although Nanno's portable computer does not specifically indicate selecting means, Nanno recites power control means and power supply control circuit 30., which is microprocessor-based and can determine and select power states from a plurality of switches. See col.3, lines 35-64; col. 9, lines 39-45; col.7, lines 62-66.

Furthermore, Wycoff recognizes three modes of battery savings by a battery saver circuit 14, 14a in Figures 1 and 2. See normal battery saving mode at col.4, line 28; second mode of battery savings at col. 6, line 16; third mode of battery saving at col. 8, line 60; and co.4, lines 50-52. It would have been obvious to a person of ordinary skill in the art at the time of the invention to select and display Wycoff's plurality of power saving modes in Nanno's portable computer, which displays power saving modes in relation to a derived battery capacity, so that computer operators could synchronize their remaining use of the portable computer or decrease the level of power-consuming use before having to recharge the battery. If the references are combined in this manner, then computer users would be provided

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with the status of the remaining battery power as taught by Nanno.

As to claim 2, Nanno discloses color LEDs L1 and L2 that indicate and display how long the battery can supply power in different modes based upon the clock frequency. See col. 4, lines 7-16, and Figure 6.

As to claim 3, Nanno does not specifically refer to an electric voltage meter. However, Nanno does teach comparing means for displaying the status of voltage and a voltage abnormality. (See col.10, lines 45-50; col.6, lines 64-68). It is apparent to those skilled in the art, that instead of an electric voltage meter, a microprocessor 306 in Nanno, together with indicators L3, may readily be employed to measure and indicate voltage levels.

As to claim 4, Nanno teaches a control driver 309 for controlling the processing speed and brightness as depicted by the color and flicker or steady-state glow of L1 and L2. Col. 4, lines 7-15.

As to claim 5, Nanno's Figure 1 shows a CRT display 38, which is further illustrated in Figure 5(a).

As to claim 6, it would have been well-known to one skilled in the art at the time of the invention that the LEDs L1-L3 would be operational as long as power was supplied to the system by a battery (31a and 31b).

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As to claim 7, Nanno teaches a method in Figures 3, 4(a) and 4(b) for generating a signal for the capacity of M-Batt (col.5 lines 27-28) to which a selection and display of the power mode is made (col.5, lines 54-63). See also, col.13, lines 62-63 and line 68. Moreover, claim 7 corresponds to a method with respect to claim 1 above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mese et al. teaches a related power-saving feature. Pahlavan and Welch et al. are made of record as teaching a bar graph display device for indicating the status of certain parameters, including voltage, all of which are similar to applicant's invention. Nagami discloses a user-controllable brightness feature. Tayama et al. and Deluca et al. both disclose different operating modes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Loui whose telephone number is (703) 305-4965. The examiner can normally be reached on Monday through Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on

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(703) 305-4709. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



RICHARD HJERKE
PRIMARY EXAMINER
GROUP 1, 2, 3

Attachment to
Paper Number

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Serial No.

08/300492

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities (Draftsman's objection on PTO-948)

In order to correct any informalities in the drawings, applicant **MUST** comply with options (a) or (b) below. Failure to do so will result in **ABANDONMENT** of the application.

a) File new drawings with the changes incorporated therein. The art unit number, serial number and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37). If delayed, the new drawings **MUST** be filed within the THREE MONTH shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsman.

b) Request a commercial bonded drafting firm to make the necessary corrections.

A BONDED DRAFTSMAN **MUST BE AUTHORIZED, THE CORRECTIONS EXECUTED AND THE CORRECTED DRAWINGS RETURNED TO THE OFFICE DURING THE THREE MONTH SHORTENED STATUTORY PERIOD SET FOR RESPONSE IN THE "NOTICE OF ALLOWABILITY" (PTOL-37). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CFR 1.136(a).**

2. Corrections other than Informalities Noted by the Draftsman on the PTO-948

All changes to the drawings, other than informalities noted by the Draftsman, **MUST** be made in the same manner as above except that, normally, a red ink sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

3. Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTOL-37). Within that three month period, two weeks should be allowed for review by the Office of the correction. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time and of paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.